

REMARKS

Applicant has received and carefully reviewed the Official Action of the Examiner mailed May 7, 2003, setting a statutory shortened three-month period for reply. With this amendment, claims 30-41 and 43-53 remain pending, with claims 1-29 cancelled without prejudice. Reconsideration and reexamination are respectfully requested.

In section 8 of the Office Action, the Examiner rejected claims 30, 32-41, and 43-53 under 35 U.S.C. §103(a) as being unpatentable over Cullis et al., U.S. Patent No. 4,305,640, in view of Meier, U.S. Patent No. 4,669,878. After carefully reviewing the cited references, Applicant believes that there is no motivation to combine these references as suggested by the Examiner.

In particular, the Examiner states:

In addition to the teachings of Cullis as discussed above, he also teaches the light pipe (3) can be any suitable size and circular or other cross sectional section (see col. 3, lines 34-39). However, Cullis fairly suggests that the sample source having an analyte.

Office Action at page 5, section 8.

It appears that the Examiner is saying that Cullis et al. do not fairly suggest a spectroscopic system for measuring analyte concentration in a sample or a radiation homogenizer disposed to receive emitted radiation. Applicant further notes that Cullis et al. do not suggest a detector for receiving radiation, either.

Instead of a spectroscopic system, Cullis et al. suggest a laser beam annealing diffuser. The device of Cullis et al. is to be used, for example, for "the annealing of ion-implanted semiconductor layers to electrically activate the implanted dopant." Cullis et al. at column 1 lines 9-11. Annealing includes the application of heat energy to create a chemical or other physical change in an annealed device from an un-annealed state:

By this means selected areas of the substrate are annealed to remove damage caused by the ion implantation and restore the substrate to a crystalline state and e.g. provide electrically conducting path among an insulating non-annealed substrate.

Cullis et al. at column 2 lines 48-53. It appears that Cullis et al. generally use laser pulses that are short and may be fired at the same location or at several locations. However, the purpose of

the Cullis et al. device appears to be to cause the incident radiation to be absorbed in order to adjust the crystalline structure of the target as explained above.

As the Examiner has noted, Meier teaches a chemistry testing system for analyzing a sample. However, it does not appear to Applicant that Meier provides any suggestion as to why one would seek to capture radiation reflected or passed through a target which is being annealed by the device of Cullis et al., or any other annealing system for that matter. Typically, a sample to be tested is to be tested on the basis of its existing properties, rather than being altered to achieve a different crystalline structure, and annealing a sample to achieve a redefined or altered crystalline structure appears to be a project without motivation.

The mere fact that both Cullis et al. and Meier make use of light to irradiate a target (a substrate or a sample) does not by itself provide a motivation to combine the references. "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination" MPEP2143.01. It appears to Applicant that the Examiner has selected elements from Meier to include in Cullis et al. to modify Cullis et al. to match the recited elements of claim 30, and that no other motivation for this combination has been identified. Therefore, Applicant believes that the cited combination is impermissible, and so each claim rejected in section 8, including claims 30, 32-41, and 43-53, are clearly patentable over the impermissible combination.

In section 9 of the Office Action, the Examiner rejected claim 31 under 35 U.S.C. §103(a) as being unpatentable over Cullis et al. in view of Meier, as applied to claim 30, and further in view of Friedman et al., U.S. Patent No. 5,290,169. It appears the Examiner cites Friedman et al. for the purpose of illustrating a tungsten-halogen lamp. However, Friedman et al. appear to provide no further motivation to combine Cullis et al. with Meier. Therefore Applicant believes the cited combination is impermissible, and so claim 31 is likewise patentable.

Appl. No. 09/832,586
Amdt. dated August 1, 2003
Reply to Office Action of May 7, 2003

Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims, namely claims 30-41 and 43-53, are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

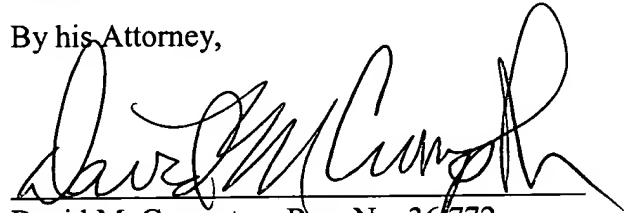
Respectfully submitted,

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By his Attorney,

Date: _____

8/1/03



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